

The City Council of the City of Mattoon held a regular meeting in the Council Chambers at City Hall on July 6, 2005 at 7:00 p.m.

Mayor White presiding.

The following members of the Council answered roll call: YEA Commissioner David Cline, YEA Commissioner Terry Cook, YEA Commissioner Randy Ervin, YEA Commissioner David Schilling, YEA Mayor Charles E. White.

Also in attendance were City personnel: City Administrator Richard Underkofler, City Attorney/Treasurer J. Preston Owen, Public Works Director David Wortman, Police Chief Larry Metzelaars, Deputy Police Chief David Griffith, Fire Chief Bruce Grafton, Community Coordinator Kyle Gill, Librarian Jennie Cisna, and City Clerk Susan O'Brien.

CONSENT AGENDA

(Items listed on the Consent Agenda are considered to be routine in nature and will be enacted by one motion. Prior to asking for a motion to approve the Consent Agenda, the mayor will ask if anyone desires to remove an item from the Consent Agenda for public discussion. No separate discussion of these items will occur unless a Council Member requests the item to be removed from the Consent Agenda. If an item is removed from the Consent Agenda, it will be considered elsewhere on the agenda for this meeting.)

Mayor White seconded by Commissioner Schilling moved to approve consent agenda consisting of: Minutes of the regular meeting June 21, 2005; Reports of Special Committees; Reports of Departments; Payroll and Bills for the last half of June; Special Ordinance 2005-1087: Approving a variance form side yard requirements in the zoning ordinance to enable an addition to a residential dwelling unit at 950 Rudy Avenue, Dale and Julianne Eveland, applicants; Council Decision Request 2005-471: Authorizing a \$9,999 procurement from Word Systems, Inc. for a digital audio/Video recording system for two interview rooms at the Police Department; Council Decision Request 2005-472: Reporting bids received for local street improvements on an IDOT letting and recommending award of a \$442,622 contract to Howell Asphalt Company & Howell Paving, Inc. This contract would include improvements of 43rd Street, 27th Street, 9th Street, Richmond Avenue and DeWitt Avenue; and Council Decision Request 2005-473: Approving specifications, a \$50,994 cost estimate and authorizing a competitive solicitation of bids.

Bills and Payroll for the last half of June

General Fund

Payroll	\$	229,295.08
Bills	\$	<u>96,309.89</u>
Total	\$	325,604.97

Hotel Tax Fund

Payroll	\$	2,444.33
Bills	\$	<u>8,111.41</u>
Total	\$	10,555.74

Festival Management

Bills	\$	<u>17,647.98</u>
Total	\$	17,647.98

Insurance & Tort Judgment

Bills	\$	<u>10,153.56</u>
Total	\$	10,153.56

Midtown TIF Fund

Bills	\$	<u>4,907.54</u>
-------	----	-----------------

	Total	\$	4,907.54
	<u>Capital Project Fund</u>		
Bills		\$	<u>195.00</u>
	Total	\$	195.00
	<u>Water Fund</u>		
Payroll		\$	32,465.03
Bills		\$	<u>19,543.63</u>
	Total	\$	52,008.66
	<u>Sewer Fund</u>		
Payroll		\$	27,198.40
Bills		\$	<u>83,883.01</u>
	Total	\$	111,081.41
	<u>Cemetery Fund</u>		
Payroll		\$	2,212.54
Bills		\$	<u>5,470.27</u>
	Total	\$	7,682.81
	<u>Motor Fuel Tax Fund</u>		
Bills		\$	<u>3,691.24</u>
	Total	\$	3,691.24
	<u>Revolving Loan Fund</u>		
Bills		\$	<u>328.10</u>
	Total	\$	328.10
	<u>Health Fund</u>		
Bills		\$	<u>73,888.73</u>
	Total	\$	73,888.73

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2005-1087

**AN ORDINANCE GRANTING A VARIANCE FROM BUILDING SET BACK REQUIREMENTS TO ENABLE
CONSTRUCTION OF AN ADDITION TO THE HOUSE AND ATTACHING IT TO THE GARAGE AT 950
RUDY AVENUE**

WHEREAS there has been filed a written Petition by Dale L. and Julianne E. Eveland for a variance, respecting the property legally described as:

Lot Seven (7) in Block (A) of Annis Subdivision, of the City of Mattoon, Coles County, Illinois, commonly known as 950 Rudy Avenue, Mattoon, Illinois.

WHEREAS, said petition requests that a variance be granted pursuant to applicable ordinances of the municipality to allow construction of an addition connecting the house and garage with only a 3-foot ten-inch setback from the side property line on the East side of the property; and

WHEREAS the zoning code requires a 5-foot side yard setback, of the primary structure, in the R1 Single Family Residence Zoning District; and

WHEREAS the Board of Zoning Appeals held a properly noticed public hearing on June 7, 2005 regarding petitioner's request for said variance; and

WHEREAS both the Planning Commission for the City of Mattoon, Coles County, Illinois, and the Zoning Board of Appeals for the City of Mattoon, Coles County, Illinois, have recommended that the requested variance be granted; and

WHEREAS the City Council for the City of Mattoon, Coles County, Illinois, deems that the recommended variance is in the public interest.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. Pursuant to enabling authority provided at Section §159.05 of the Mattoon Code of Ordinances, the property legally described as aforesaid, be and the same is granted a variance of the side yard set back requirement on the East side of the property as requested to enable construction of an addition to the house and attaching it to garage.

Section 2. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 3. This ordinance shall be effective upon its approval as provided by law.

Section 4. The City Clerk shall make and file a duly certified copy of this ordinance with the Clerk and Recorder's Office of Coles County, Illinois.

Upon motion by Mayor White, seconded by Commissioner Schilling, adopted this 6th day of July, 2005, by a roll call vote, as follows by consent agenda:

AYES (Names): Commissioner Cline, Commissioner Cook,

Commissioner Ervin, Commissioner Schilling,

Mayor White

NAYS (Names): None

ABSENT (Names): None

Approved this 6th day of July, 2005.

/s/ Charles E. White

Charles E. White, Mayor

City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM

/s/ Susan J. O'Brien

Susan O'Brien, City Clerk

/s/ J. Preston Owen

J. Preston Owen, City Attorney

Recorded in the Municipality's Records on July 7, 2005.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion for approving the consent agenda carried by the following vote: YEA Commissioner Cline, YEA Commissioner Cook, YEA Commissioner Ervin, YEA Commissioner Schilling, YEA Mayor White.

PUBLIC PRESENTATIONS, PETITIONS AND COMMUNICATIONS

This portion of the City Council meeting is reserved for persons who desire to address the Council. The Illinois Open Meeting Act mandates that the City Council may NOT take action on comments received on matters that have not been identified on this agenda, but the Council may direct staff to address the topic or refer the matter for action on the agenda for another meeting. Persons addressing the Council are requested to limit their presentations to three minutes and to avoid repetitious comments.

Mayor White opened the floor for public discussion.

Director David Wortman introduced the Tree Commission participants and presented status information including the rewriting of the existing Tree Ordinance; findings of the need for enacting a tree replacement program, a one-time tree removal contract to delete the backlog of requests, and a citizen education and awareness program to avoid improper tree care.

Mrs. Saretta Moulton of 1400 Bell addressed the Council with a request to change the water ordinance eliminating the sewer charge for washing cars, watering lawns, and refilling swimming pools, since the water used does not return to the sewer.

UNFINISHED BUSINESS

Mayor White seconded by Commissioner Cline moved to approve Council Decision Request 2005-474, reporting proposals received and accepting a proposal from First Mid-Illinois Bank & Trust for lender financing of costs for acquiring a replacement street sweeper and aerial platform ladder truck. Mayor White expressed his desire to keep the financing in Mattoon.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Cook, YEA Commissioner Ervin, YEA Commissioner Schilling, YEA Mayor White.

NEW BUSINESS

Mayor White seconded by Commissioner Schilling moved to adopt Resolution 2005-2600, authorizing the mayor and city clerk to sign an intergovernmental agreement with the City of Charleston for sharing of personnel and equipment.

CITY OF MATTOON, ILLINOIS
RESOLUTION NO. 2005-2600

A RESOLUTION AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF CHARLESTON FOR SHARING OF PERSONNEL AND EQUIPMENT

WHEREAS, it is in the interest of the municipality to be able to call upon resources of other public agencies for assistance when there is a need for service that is beyond the capabilities of the personnel and equipment of the municipality; and

WHEREAS, the municipalities of Charleston and Mattoon have successfully benefited from mutual aid agreements for sharing of personnel and equipment for police and fire protection services; and

WHEREAS, economy may be achieved by the sharing of personnel and equipment for other services provided by the municipalities.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Mattoon that the mayor and city clerk are authorized to sign an intergovernmental agreement with the City of Charleston, a copy of which is attached hereto and incorporated herein by reference.

Upon motion by Mayor White, seconded by Commissioner Schilling, adopted this 6th day of July, 2005, by a roll call vote, as follows:

AYES (Names): Commissioner Cline, Commissioner Cook,
Commissioner Ervin, Commissioner Schilling,
Mayor White

NAYS (Names): None

ABSENT (Names):None

Approved this 6th day of July, 2005.

/s/ Charles E. White

Charles E. White, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM

/s/ Susan J. O'Brien

Susan J. O'Brien, City Clerk

/s/ J. Preston Owen

J. Preston Owen, City Attorney

Recorded in the Municipality's Records on July 7, 2005.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Cook, YEA Commissioner Ervin, YEA Commissioner Schilling, YEA Mayor White.

Mayor White seconded by Commissioner Ervin moved to adopt Resolution 2004-2601, declaring surplus and authorizing the management staff to solicit sealed bids for sale of two parcels of real estate owned by the municipality at Lake Paradise.

RESOLUTION NO. 2005-2601

A RESOLUTION DECLARING TWO PARCELS OF REAL ESTATE LOCATED AT LAKE PARADISE NO LONGER NECESSARY OR REQUIRED FOR USE OF THE MUNICIPALITY AND AUTHORIZING THE

MANAGEMENT STAFF TO SOLICIT SEALED BIDS FOR THE SALE OF THE PROPERTY

BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. Pursuant to procedures prescribed by state statute (65 ILCS 5/11-76-4.1), a finding is hereby made by the City Council that the real estate described at Exhibit A of this resolution is no longer necessary or required for the use of the municipality.

Section 2. The management staff of the municipality is hereby authorized to solicit sealed bids for the sale of this property consistent with the notice of sale attached hereto at Exhibit B and incorporated herein by reference. The sale of this real estate shall be authorized by a special ordinance of the City Council after consideration of a report on the bids received.

Section 3. The city clerk is directed to publish a copy of this resolution, the notice of sale and request for bids, attached hereto at Exhibit B, once a week for three consecutive weeks at the first opportunity following its adoption and approval by the City Council.

Upon motion by Mayor White, seconded by Commissioner Ervin, adopted this 6th day of July, 2005, by a roll call vote, as follows:

AYES (Names): Commissioner Cline, Commissioner Cook,
Commissioner Ervin, Commissioner Schilling,
Mayor White

NAYS (Names): None

ABSENT (Names):None

Approved this 6th day of July, 2005.

/s/ Charles E. White

Charles E. White, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM

/s/ Susan J. O'Brien

Susan J. O'Brien, City Clerk

/s/ J. Preston Owen

J. Preston Owen, City Attorney

Recorded in the Municipality's Records on July 7, 2005.

Exhibit A

Legal Description of the Youth Cabin Premises

Parcel #1

Part of the Northwest Quarter of Section 4, Township 11 North, Range 7 East of the Third Principal Meridian, more particularly described as follows: Commencing at an iron pin at the Northwest corner of Section 4, Township 11 North, Range 7 East of the Third Principal Meridian, (recorded as Monument Record Book 1, Page 58), Coles County, Illinois; thence azimuth 89 degrees 47 minutes 55 seconds, (azimuths based on Coles County GIS coordinates) 1089.50 feet along the north line of the Northwest Quarter of said Section 4; thence azimuth 179 degrees 47 minutes 55 seconds, 1985.91 feet to an iron pin with #3140 cap and the Point of Beginning; thence azimuth 83 degrees 57 minutes 19 seconds, 65.00 feet; thence azimuth 162 degrees 00 minutes 00 seconds, 250.00 feet; thence azimuth 234 degrees 08 minutes 05 seconds, 102.97 feet; thence azimuth 287 degrees 00 minutes 00 seconds, 185.00 feet; thence azimuth 00 degrees 46 minutes 45 seconds, 145.00 feet to an iron pin with #3140 cap; thence northeasterly 160.19 feet on a curve to the left, said curve having a radius of 120.00 feet, chord azimuth 51 degrees 38 minutes 58 seconds, 148.55 feet to the Point of Beginning, containing 1.189 acres, more or less, all situated in

Paradise Township, Coles County, Illinois.

Legal Description of the Lake Superintendent's Premises

Parcel #2

Lot 1 as shown in the preliminary plat of Lake Paradise Subdivision, Paradise Township, Coles County, Illinois approved by the Coles County Board February 8, 2005 consisting of seven (7) sheets on file in the office of the City Clerk, City of Mattoon, Coles County, Illinois.

Exhibit B

*For Publication in the Mattoon Journal Gazette
Once a Week for Three Consecutive Weeks
Small Block Display Ad*

**PUBLIC NOTICE AND REQUEST FOR BIDS FOR SALE OF
PROPERTY OWNED BY THE CITY OF MATTOON AT LAKE PARADISE**

Notice is hereby given that City of Mattoon is accepting bids for the sale of surplus real property and improvements at Lake Paradise.

The first parcel is located on the west side of Lake Paradise on a 1.189-acre site formerly known as the "Girl Scout" or "Youth Cabin" premises. The structures consist of a 1,375 sq. ft. cabin and a 352 sq. ft. garage. Historically, Girl Scouts, Boy Scouts, the YMCA and church organizations have used the Youth Cabin buildings and grounds for summer camps. An inspection by the State Health Department in 2003 disclosed that expenditures on the order of \$5,000 would be necessary to replace deteriorated floor joists in the cabin to make it fit for continued public occupancy uses. Expenses for operating and maintaining the Youth Cabin have been about \$5,000 per year. Users have not been willing to pay a rental fee. Nor have historical users expressed interest in acquiring or leasing this property. An appraisal of May 2004 reported a \$72,000 estimate of value.

The second parcel is located on the east side of Lake Paradise on a 17,184 S.F. site formerly known as the "Lake Superintendent's" premises. The house, constructed about 50 years ago, is a two-story brick structure of 1,961 S.F. It contains four bedrooms, two bathrooms and a 615 S.F. basement. The structure has been vacant for about five years. The mechanical systems are in fair condition. The interior of the house needs rehabilitation throughout: walls torn out, drywall installed, trim refinished, patching, painting, new windows and kitchen cabinets. An appraisal of September 2004 reported a \$24,000 estimate of value.

Bids will be accepted in sealed envelopes marked "Bid for Lake Paradise Real Estate" at the office of the City Clerk, 208 North 19th Street, Mattoon, Illinois 61938 until 2 PM, August 2, 2005. Shortly thereafter, the bids received will be opened and read aloud in the Council Chambers of City Hall.

At a regular meeting to be held beginning at 7 PM on August 16, 2005, the Mattoon City Council will consider a special ordinance that would authorize the sale of this surplus property. The Council may accept any proposal for the sale of the real estate that is determined to be in the best interest of the municipality by the affirmative vote of at least 4 members provided the selling price is not less than 80% of the appraised value. The appraisals of this real estate will be updated AFTER consideration of the bids received.

Responsive bids for the purchase of this real estate must be accompanied by a bid bond or cashier's check in an amount ten (10%) percent of the bid, which shall be applied to the sale price at closing. The balance of the purchase price will be due at closing. Closing is tentatively scheduled to occur not later than September 15, 2005. Bid bonds will be returned to unsuccessful bidders within two (2) weeks after the bid opening date.

At closing, the City will provide at Seller's expense:

1. A Leasehold Policy of Title Insurance that will insure the Buyer that the municipality has sufficient title to sell this real property; and
2. Evidence that septic systems upgraded according to standards promulgated pursuant to the Illinois Private Sewage Disposal Licensing Act (225 ILCS 225/1 et. seq.).

An inspection of the interior of the structures may be made by appointment by calling the City Clerk's office at 217-235-5653. Prospective bidders should register with the City Clerk's Office to receive potential addenda to this solicitation.

Richard Underkofler
City Administrator
July 7, 2005

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Cook, YEA Commissioner Ervin, YEA Commissioner Schilling, YEA Mayor White.

Commissioner Ervin seconded by Commissioner Schilling moved to approve Council Decision Request 2005-475, authorizing a \$10,000 expenditure toward the cost of retaining the Winfield consulting Group for a \$30,000 study to solicit market research and strategic planning information regarding alternative locations for the expansion of the YMCA subject to editorial consent of the City's designated representative to the scope of the study and a public disclosure of the study results. Commissioner Ervin announced that the costs would be split between the City, YMCA, and SBLHC at one-third each.

Mayor White opened the floor for discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Cook, YEA Commissioner Ervin, YEA Commissioner Schilling, YEA Mayor White.

Commissioner Ervin reflected that this expenditure was one demonstration of collaboration for an unbiased survey with community feedback on this matter; informed the Council of a meeting with Mr. Chuck Hickey discussing the expansion issues, current parking, and immediate needs for improved parking lot surface and tree trimming; a cost analysis for an expansion; a public forum after the architectural designs and cost analysis were completed; and encouraged citizens to attend the YMCA open house July 19, 2005.

MISCELLANEOUS BUSINESS

Council held discussion regarding a second draft of an ordinance establishing policy and implementing a drug and alcohol testing program for employees of the municipality not represented by a collective bargaining agent. Administrator Underkofler explained the deviations of the first draft, reviewed review comments from employees, and requested Council's comments on six comments.

1. There were no negative comments on enabling the consumption and selling of alcohol on city premises for city-sanctioned special events.
2. Comments on excusing persons, who take prescribed or over-the-counter medications that contain banned substances from discipline if tested positive, were heard from Commissioner Cline and Mr. Ray Hamilton, citizen.

3. Discussion was held on rewriting the discipline to suspension without pay for first-time offenders of alcohol concentration of .04 or more if the employee was willing to accept referral and treatment from the Employer's sanctioned Employee Assistance Program. Council's consensus was four to one to allow for the revision.
4. There were no negative comments on clarifying the grievance procedure within the ordinance for employees not represented by a collective bargaining agent.
5. There were no negative comments on changing the ordinance to indicate that if the employee receives counseling/treatment through the Employer-sanctioned Employee Assistance Program, the cost of counseling and treatment will be covered by the Employer.
6. Council's comments included similar drug policies are in the collective bargaining agreements and the need to apply the same rules to all employees.

Administrator Underkofler would make appropriate changes and bring the ordinance to the Council at their next meeting.

Council heard discussion on whether to accept a recommendation of the Safety Committee to repeal a resolution that enacted an employee safety rule regarding use of seat belts. Administrator Underkofler reviewed the background of the rule adopted by the Safety Committee, the demands and concerns of AFSCME bargaining unit, and grounds for the Safety Committee's request for repeal. Mr. Kevin Hamilton, employee representative of AFSCME, voiced concern over management selectively reprimanding employees. Attorney Owen, Administrator Underkofler, and Director Wortman reviewed safety rules, liability issues, and grievance procedures. Public comments from Mrs. Billie Groniger, Kevin Hamilton, and J.T. Slaughter were heard.

Mayor White seconded by Commissioner Schilling moved not to repeal at this time the resolution that enacted an employee safety rule regarding use of seat belts.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Cook, YEA Commissioner Ervin, YEA Commissioner Schilling, YEA Mayor White.

Commissioner Cline seconded by the Commissioner Schilling moved to approve Council Decision Request 2005-476, authorizing a \$4,111.80 adjustment in the water and sewer utility bill of Master Foods USA.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Cook, YEA Commissioner Ervin, YEA Commissioner Schilling, YEA Mayor White.

Mayor White seconded by Commissioner Ervin moved to recess to closed session at 8:03 p.m. pursuant to the Illinois Open Meetings Act for the purpose of considering the employment, performance or dismissal of employees of the municipality (5 ILCS 120(2)(c)(1)) and litigation affecting or on behalf of the City of Mattoon (5 ILCS 120/2(c)(11)) consisting of: review minutes of closed sessions of the City Council that may be determined available for public inspection; review an employee disciplinary action recommended by a Departmental Director for violation of personnel policies; review Performance Appraisals of Management & Supervisory Employees (Kim Leffler, Finance Director; and David Griffith, Deputy Police Chief).

Council reconvened from closed session at 9:11 p.m.

Mayor White seconded by Commissioner Schilling moved to approve Council Decision Request 2005-477, approving the release of minutes of closed sessions of the City Council that are no longer regarded as confidential documents.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Cook, YEA Commissioner Ervin, YEA Commissioner Schilling, YEA Mayor White.

Mayor White seconded by Commissioner Cook moved to sustain an employee disciplinary action recommended by a Departmental Director for violation of personnel policies.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Cook, YEA Commissioner Ervin, YEA Commissioner Schilling, YEA Mayor White.

Commissioner Cline seconded by Commissioner Schilling moved to authorize the Public Works Director to advertise for a Street Superintendent of Mattoon position.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Cook, YEA Commissioner Ervin, YEA Commissioner Schilling, YEA Mayor White.

Mayor White seconded by Commissioner Ervin moved to adjourn at 9:13 p.m.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Cook, YEA Commissioner Ervin, YEA Commissioner Schilling, YEA Mayor White.

/s/ Susan J. O'Brien
City Clerk